

AN ORDINANCE OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF HAVRE DE GRACE
PURSUANT TO THE AUTHORITY GRANTED BY
THE MARYLAND CONSTITUTION ARTICLE XI-
E, THE LOCAL GOVERNMENT ARTICLE OF
THE MARYLAND ANNOTATED CODE, AND
CITY CHARTER SECTION 33 AND 34,
AMENDING THE CITY CODE SECTION 67:
ETHICS

BE IT ORDAINED that City Code Chapter 67: Ethics (“Ethics Code”) shall
be amended with new language added as shown below in **bold underscore** and
shall otherwise remain unchanged.

Add new subsection “P” under Section 67-3 titled “Prohibited Conduct;
Conflicts of Interest,” as follows:

P. Anti-Harassment, Anti-Discrimination, Anti-Intimidation Policy.

**It is the policy of the City of Havre de Grace, Maryland, to maintain a
work and meeting environment in which all individuals are treated with
respect and dignity. Harassment, whether verbal or non-verbal,
physical, or environmental, is unacceptable and will not be tolerated by
the City of Havre de Grace. The Mayor and City Council of Havre de
Grace shall adopt by Resolution an anti-harassment, anti-
discrimination, and anti-intimidation policy, as recommended by the
Ethics Commission and as amended from time to time, which shall more**

1 specifically enumerate the prohibited conduct. Any violations of the
2 Policy shall be subject to enforcement and potential penalties as set
3 forth in Section 67-7G of the Ethics Code.

4
5 Add a new subsection “G” to Section 67-7 titled “Enforcement; violations and
6 penalties”:

7 **G. The Anti-Harassment, Anti-Discrimination, Anti-Intimidation**
8 **Policy (“Policy”) shall be enforced in the following manner:**

9 **(1) A complaint regarding a violation of the Code of Conduct**
10 **may be filed with the Mayor, the Ethics Commission Chair or**
11 **Member, Human Resources Officer, the Director of**
12 **Administration, or the City Attorney.**

13 **(2) Upon receiving a complaint, the person receiving the**
14 **complaint must forward the complaint to the Director of**
15 **Administration for safe keeping. The Director of Administration**
16 **will notify The Chairman of Ethics Commission to schedule an**
17 **Ethics Commission meeting and review. The Ethics Commission**
18 **may take one of the following actions depending on the**
19 **circumstances of the alleged violations of law or policy:**

1 **(a) Take no action;**

2 **(b) Initiate an investigation of the allegations before**
3 **considering any discipline identified in this Resolution; or**

4 **(c) Based upon substantive evidence, take one of the**
5 **disciplinary actions identified in this Resolution after**
6 **finding a violation of this Resolution occurred;**

7 **(i) Admonition. This is the least severe form of action.**

8 **An admonition may typically be directed to all and/or**
9 **appointed elected City Officials, reminding them that**
10 **a particular type of behavior is in violation of law or**
11 **City policy. An admonition may be issued by the**
12 **Ethics Commission with concurrence of the Mayor**
13 **and City Attorney, before any findings of fact**
14 **regarding allegations, and because it is a warning or**
15 **reminder, would not necessarily require an**
16 **investigation or separate hearings to determine**
17 **whether the allegation is true. In the event that the**
18 **complaint is against the Mayor, it will require the**

1 concurrence of the Council President and City
2 Attorney.

3 (ii) Sanction. This is the next most severe form of
4 action. Sanction may be directed to a particular
5 elected and/or appointed City Official based on a
6 particular action (or set of actions) that is determined
7 to be in violation of law or City policy. A sanction is
8 distinguished from censure in that it is not a
9 punishment. A sanction may be issued based upon an
10 Ethics Commission review with concurrence of the
11 Mayor and City Attorney and consideration of a
12 written allegation of a policy violation. In the event
13 that the complaint is against the Mayor, it will require
14 the concurrence of the Council President and City
15 Attorney. The member accused of a violation will
16 have an opportunity to provide a written response to
17 the allegation. A sanction may be issued by the Ethics
18 Committee review with concurrence of the Mayor and
19 City Attorney and because it is not punishment or

1 discipline, would not necessarily require an
2 investigation or separate hearings.

3 (iii) Censure. Censure is the most severe form of
4 action. Censure is a formal statement of the Ethics
5 Commission with concurrence of the Mayor, City
6 Council and City Attorney, officially reprimanding
7 one of the elected officials. In the event that the
8 complaint is against the Mayor, it will require the
9 concurrence of the Council President, City Council
10 and City Attorney. It is a punitive action, which
11 serves as a penalty imposed for wrongdoing, but it
12 carries no fine or suspension of the rights of the
13 member as an elected official. Censure should be used
14 for cases in which the Ethics Commission determines
15 that the violation of law or policy is a serious offense.
16 To protect the overriding right to freedom of speech,
17 the Ethics Commission cannot impose censure on any
18 of its members elected and/or appointed City Official
19 for the exercise of his or her First Amendment rights,
20 no matter how distasteful the expression was to an

1 elected Official and the City. However, nothing can be
2 construed to prohibit the Ethics Commission from
3 collectively condemning and expressing their strong
4 disapprobation of such remarks. A decision to
5 censure requires the adoption of a Resolution making
6 findings with regard to the specific charges, based on
7 substantial evidence, and approved by a two-thirds
8 vote of the City Council.

9 (3) If the City Council censures one of its members elected and/or
10 appointed City Official it can also take the following actions:

11 (a) Remove the Council Member elected and/or appointed
12 City Official from a City board or commission;

13 (b) Remove the Council Member elected and/or appointed
14 City Official from an independent board or commission
15 other than the City if allowed by the by-laws of that board
16 or commission (e.g., regional boards);

17 (c) Request for an apology to the Mayor, City Council
18 and/or the appointed official, the complainant, or all;

1 (d) Remove access privileges to City Hall other than for
2 areas that are publicly accessible; and
3 (e) Such additional actions that may be available through
4 judicial intervention.

5
6 ATTEST:

MAYOR AND CITY COUNCIL OF
HAVRE DE GRACE, MARYLAND

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8
9 _____
10 Patrick D. Sypolt,
11 Director of Administration
12

William T. Martin, Mayor

13 First Reading: _____
14 Public Hearing: _____
15 Second Reading/Adoption: _____
16